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ABSTRACT

The Americans with Disabilities Act (ADA) of 1990 outlaws discrimination against people with disabilities. It is a bold and comprehensive law affecting employment, transportation, services provided by state and local government, services and accommodations offered by private businesses, and telecommunication access for people with communication impairments. This guide devotes one section to each of the law's four Titles. The section on employment (Title I of the ADA) reviews requirements concerning: employers and activities covered, the meaning of a "qualified individual with a disability," the concept of direct threat, pre-employment inquiry about disabilities, medical exams, medical insurance, and rights and remedies. The section on public services (Title II) covers: public service providers, accessibility including reasonable modifications, rules of integration, publicly funded/operated transportation, and rights and remedies. Title III is on public accommodations and covers the general rules and overall requirements, eligibility criteria, auxiliary aids and services, architectural and structural barriers, privately operated transportation, and rights and remedies. Title IV, on telecommunications, explains the ADA's provisions concerning telephone relay services, closed captioning of public service announcements, and rights and remedies. Also noted are miscellaneous provisions and effective dates of the ADA. Appendices list responsible agencies, resources, and parent training and information centers. (DB)

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# The AMERICANS with DISABILITIES ACT

## A Guide for People with Disabilities, Their Families, and Advocates

The Peer and Family Training Network Project
on the Americans with Disabilities Act

EC 303562

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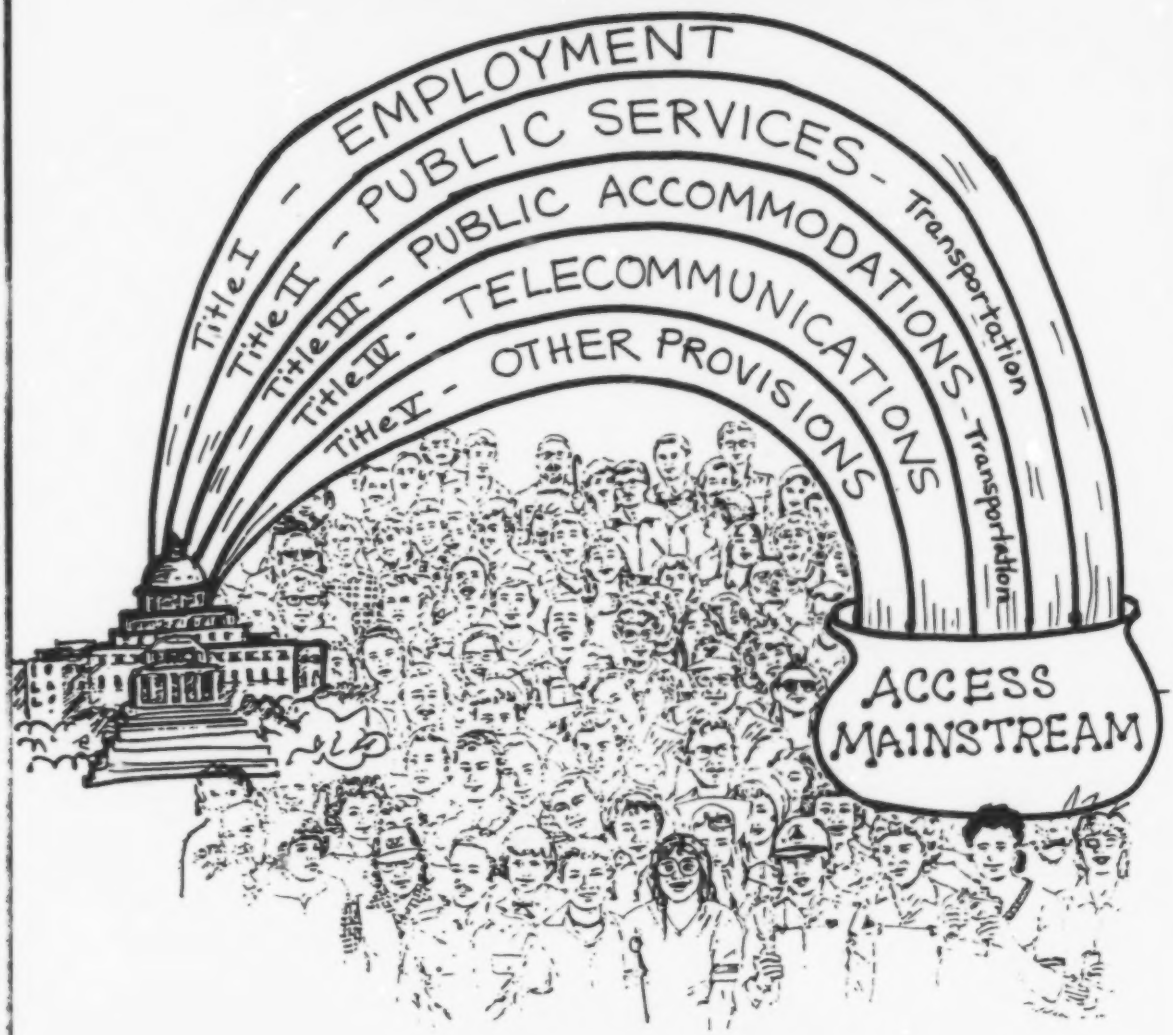
# The Americans with Disabilities Act


Title I - EMPLOYMENT
Title II - PUBLIC SERVICES - Transportation
Title III - PUBLIC ACCOMMODATIONS - Transportation
Title IV - TELECOMMUNICATIONS
Title V - OTHER PROVISIONS
ACCESS MAINSTREAM

## A Guide for People with Disabilities, Their Families, and Advocates

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The National Parent Network on Disabilities in Washington, DC (703-684-6763) coordinates project activities with other agencies working on the ADA.

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*To Peter, whose resilience, motivation and self-determination personify the spirit and purpose of the Americans with Disabilities Act. He has taught us the importance and benefits of confronting all forms of discrimination against persons with disabilities.*

# Contents


**Introduction** 1

**Individual with a Disability** 3

**Employment (Title I)** 6

- Employers and activities covered 6
- Qualified individual with a disability 7
  - Essential job functions 8
  - Reasonable accommodation 8
  - Undue hardship 9
- Direct threat 10
- Pre-employment inquiry about disabilities 10
- Medical exams 11
- Medical insurance 12
- Relationship/association with a person with a disability 12
- Rights and remedies 12

**Public Services (Title II)** 15

- Public service providers 15
- Qualified individuals with a disability 16
- Accessibility 16
  - Reasonable modifications 16
  - Program access 16
  - Auxiliary aids 16
    - Undue burden 16
- Rules of integration 17
- Transportation—publicly funded/operated 17
  - Fixed-route systems—bus, rail, stations 18
  - Demand-responsive systems—paratransit service 21
- Rights & remedies 22

**Public Accommodations (Title III)** 24

- General rule 25

## *Contents (cont.)*


Private business/public accommodations—overall requirements 25
Eligibility criteria 27
Reasonable modifications 28
Auxiliary aids and services 28
Undue burden 29
Architectural and structural barriers 29
New construction 29
Altered facilities 30
Existing facilities 30
Readily achievable and alternative methods 31
Transportation—privately operated 32
Intercity bus service 32
Private primarily 33
Fixed-route service 33
Demand-responsive service 34
Private not primarily 34
Fixed-route service 34
Demand-responsive service 34
Rights and remedies 35

**Telecommunications (Title IV) 37**

Telephone relay services 37
Closed captioning of public service announcements 39
Rights and remedies 40

**Miscellaneous Provisions 41**

**Effective Dates of the ADA 45**

**Appendix A—Responsible Agencies 47**

**Appendix B—Resource List 48**

**Appendix C—Parent Training and Information Centers 51**

**Disclaimer 56**

# Introduction

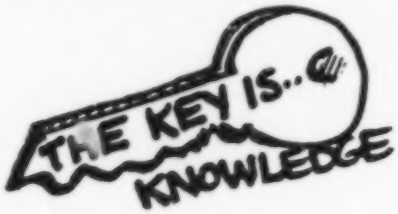
The Americans with Disabilities Act (ADA) of 1990 outlaws discrimination against people with disabilities. It is a bold and comprehensive law affecting

- employment,
- transportation,
- services provided by state and local government,
- services and accommodations offered by private businesses, and
- telecommunication access for people with communication impairments.

If you are one of an estimated 43 million Americans with a disability, you have undoubtedly experienced some form of discrimination. Segregation and prejudice confront people with disabilities in all aspects of life. Often there has been no legal mechanism to prevent this unfair treatment.

Discrimination causes people to be disadvantaged economically, educationally and politically; it also denies people the opportunity to compete with others fairly. Congress passed the Americans with Disabilities Act in 1990 to respond to the inequities facing people with disabilities in the United States.

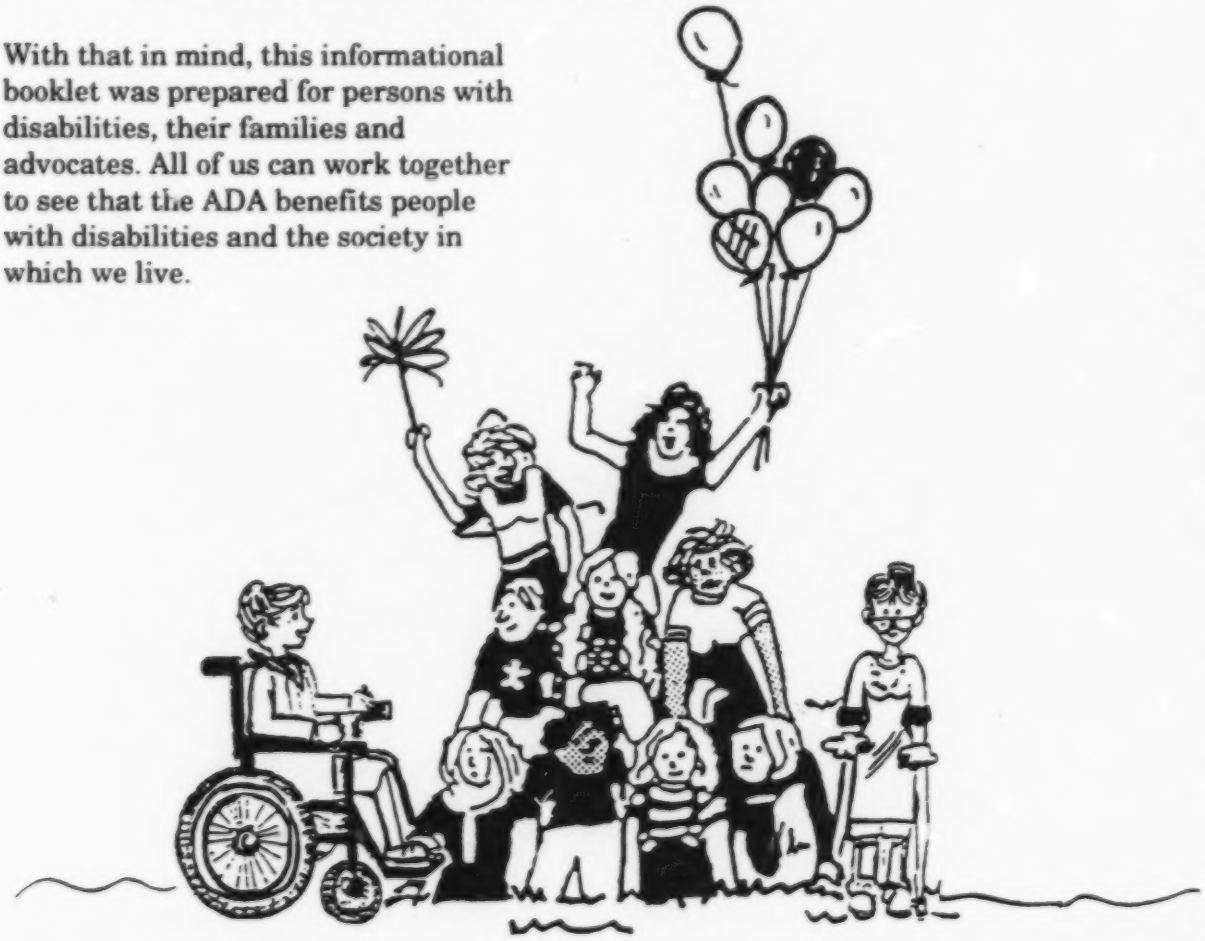
It is especially important for you, as a person with a disability, to know what rights this law has created. Knowledge will help you




- understand when your rights are being violated,
- take action to assure you will be treated fairly, and
- educate others about the law.

The ADA is intended to protect you. It provides **you** with an effective means to attain greater independence and integration in society.

With that in mind, this informational booklet was prepared for persons with disabilities, their families and advocates. All of us can work together to see that the ADA benefits people with disabilities and the society in which we live.



# Individual with a Disability

To begin understanding and benefiting from the ADA there are many questions you need to ask. The first and most basic is:

Who is "an individual with a disability" under each part of the ADA?

The ADA establishes a "three-prong" definition of a person with a disability.

**Persons with a disability include:**

**1) a person with a physical or mental impairment that substantially limits one or more major life activities,**

**2) a person with a record of such a physical or mental impairment, or**

**3) a person who is regarded as having such an impairment.**

To be covered under the ADA, an individual needs to satisfy one of these prongs. It is then essential to know what these three factors mean.

**Under the first prong** the person's physical or mental impairment must be one that substantially limits a major life activity, such as:

caring for oneself,

performing manual tasks,

walking,

seeing,

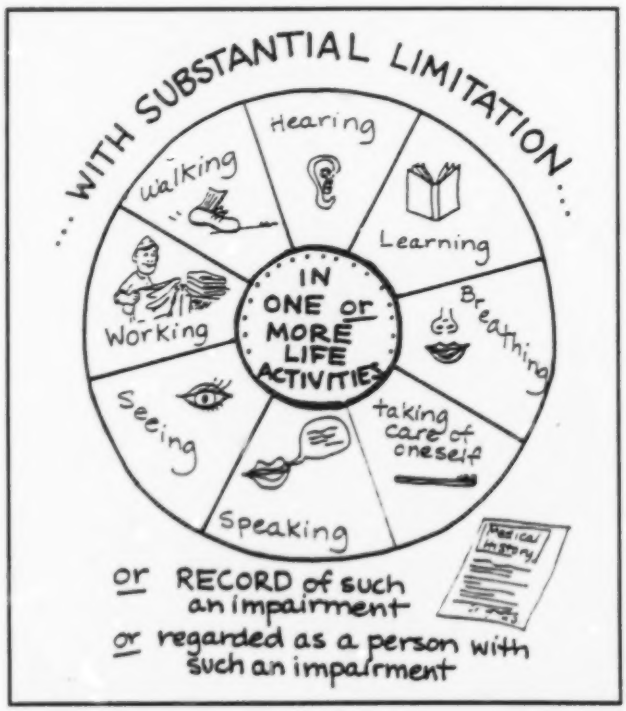
hearing,

breathing,

speaking,

learning, or

working.



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Impairments that are minor—temporary, non-chronic impairments with little or no long-term impact (such as sprained ankles, broken ribs or arms, or influenza)—are not covered.

However, some temporary impairments might be covered if they substantially limit a major life activity for a lengthier period of time. The issue of whether a temporary impairment is significant enough to be a disability will be resolved on a case-by-case basis, taking into account both the duration of the impairment and the extent to which it actually limits a major life activity of the individual.

For example, consider the following situation. Because of a fire in her home, a woman was severely burned on her hands and arms. With long-term treatment she is expected to recover their full use. However, at present she cannot perform the tasks required to care for herself (eating, dressing, etc.). She is therefore limited in these major life activities for a significant period of time. She would be considered a person with a disability under the ADA's definition.

It is not possible to list all the specific diseases and disorders that are considered physical or mental impairments. However, a *short* sampling of impairments covered under the ADA includes: orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, AIDS or HIV infection, cancer, heart disease, organic brain syndrome, diabetes, mental retardation, emotional illness, specific learning disabilities, and alcoholism.

**The second prong** of the definition covers people with "a record" or history of a physical or mental impairment. Examples would include a person with a history of cancer that is now in remission and a person who has recovered from a mental illness. It also includes people misclassified or misdiagnosed as having a physical or mental impairment, such as someone misclassified as having mental retardation.

**The third prong** covers people who are *regarded* as having an impairment. This includes individuals whose disability may not be severely limiting, but who are nonetheless treated as having a physical or mental impairment that substantially limits a major life activity. It applies to individuals who are discriminated against *solely* because of the attitudes of others toward their impairment.

Who is not covered by the ADA?

Although drug addiction is a disability within the meaning of the ADA, the law does not protect a person who is currently using drugs illegally.

Individuals are protected if they are addicts when they:

- are using a drug under the supervision of a licensed health care professional—a drug is not considered illegal if it is taken under medical direction, or
- are not now using illegal drugs and are participating in a drug rehabilitation program or have been successfully rehabilitated from drug usage.

The Act also protects a person who is believed to be an addict but is not.

# Employment (Title I)

All parts of the ADA are extremely important for individuals with disabilities. But because employment is vital to the economic success and psychological health of most people, Title I—which prohibits employers from discriminating against qualified individuals with a disability—is perhaps the most important part of the Act.

Many forms of disability discrimination occur in the workplace. The discrimination may be blatant or subtle. It can occur over a wide range of employment practices and activities. Be alert to the protections the ADA provides for **you**, starting with: Which employers are governed by the ADA?

The ADA's employment provisions apply to

- private employers,
- state and local governments,
- employment agencies, and
- labor unions.

The employment provisions of the Act do *not* apply to

- employers with fewer than 15 workers,
- the U.S. government (the federal government is covered under the Rehabilitation Act of 1973),
- Indian tribes, or
- private membership clubs.

When do the employment provisions become effective?

Employers with 25 or more workers must comply with the law beginning July 26, 1992.

Employers with 15 or more workers must comply with the law beginning July 26, 1994.

Do these nondiscrimination employment provisions cover *more* than just hiring activities?

Yes, the employment practices covered are

- recruiting and advertising,
- compensation and fringe benefits,
- tenure and leave,
- promotion and advancement,
- hiring,
- training,
- transfers and lay-offs,
- firing,

and all other employment-related activities.

# EMPLOYMENT PRACTICES...

So far, we have outlined which employers are governed by the ADA, when those protections begin, and what areas of business operations are affected . But what about **you?** As an employee of a company subject to ADA guidelines, it's important for you to ask:

If I have a disability am I protected?

**You are a qualified individual with a disability if you**

- **satisfy the required skills, experience and education needed for the position you seek or hold and**
- **you can perform the "essential job functions" of the position, with or without "reasonable accommodation."**

According to the ADA, employers are prohibited from discriminating against "qualified individuals with disabilities."

The ADA does not affect the employer's right to hire the most qualified applicant for a job. It only makes it unlawful to discriminate against a qualified individual with a disability *because* of the disability.

What do the terms "essential job function" and "reasonable accommodation" mean?

The terms "essential job function" and "reasonable accommodation" may be difficult to unravel. However, the way in which these terms are defined and applied provides the basis for determining whether an employer has discriminated against a qualified person with a disability.

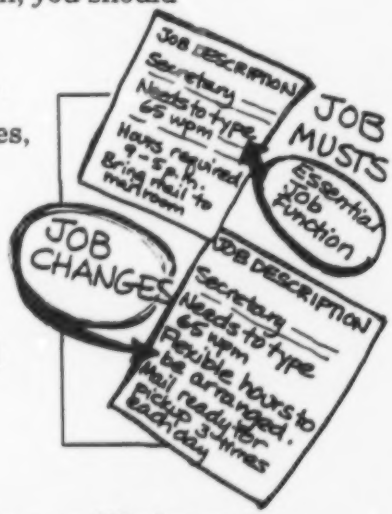
## Essential job function and reasonable accommodation

### *Essential job functions*

These are tasks that are fundamental and necessary to perform a given position. They do not include incidental duties. An employer cannot refuse to hire you because your disability prevents you from performing tasks that are not essential to the job.

To determine the essential job functions for a position, you should note certain factors:

- the duties detailed in a written job description,
- the amount of time spent on specific tasks/duties,
- what the employer believes are essential job functions associated with the post, and
- the duties performed by past and current workers in the position.




This is a only a partial list; many other factors could be considered to define essential job function.

### *Reasonable accommodation*

This is any change an employer makes which enables a qualified person with a disability to

- have equal opportunity in the selection process,
- perform the essential job functions, and
- enjoy equal benefits and privileges of employment.

Reasonable accommodations can take many forms, such as:

- providing or modifying equipment,
- making facilities accessible and removing barriers,
- providing readers and interpreters,
- modifying exams and training materials, or
- changing work schedules.

Employers are obligated to make reasonable accommodations only **when they know** of a person's physical or mental limitations and the need for accommodations in the workplace. If you are in need of any accommodation, **you** must let the employer know.

If the employer knows of a need for accommodation, *must* the employer make the change?

The employer must provide the reasonable accommodation unless it imposes **an undue hardship** on the employer's operation/ business.

How can you tell when a reasonable accommodation will impose an undue hardship?

An undue hardship is imposed when providing the accommodation would require "significant difficulty or expense" to the employer. To answer this question you must consider many factors, such as:

- the size of the business operation,
- the financial resources of the employer,
- the cost of the accommodation,
- the cost of the accommodation in relation to the size of the business and its resources,
- the alteration to the employer's business or the changes in the delivery of services, and
- the disruption to other workers.

For years, individuals with disabilities have used their own creative and practical methods to overcome barriers in their working environments. As a person with a disability, you are the best source for determining the changes needed in the workplace in order for you to carry out a task. Meet with the employer and discuss the practical and inexpensive accommodations that can be made.

Employers are under no obligation to hire or maintain individuals who pose a direct threat to themselves or other persons in the workplace.

## Direct threat

What is a direct threat?

A claim that a direct threat exists cannot be based on generalization, irrational fears or misperception. The determination must be made on a case-by-case assessment and be based on medical information and informed judgement.

**A direct threat exists when there is a significant risk of substantial harm to health or safety which cannot be eliminated by reasonable accommodation.**

Persons with contagious diseases and communicable infections are likely to be affected by employers' claims of direct threat. These individuals should recognize that when an employer refuses to hire a person based on claims of a direct threat, the employer must have medical information which shows the following:

- a specific risk has been identified,
- the risk poses a threat of substantial harm, and
- the harm is not remote or speculative, but likely to occur.

## Pre-employment inquiry about disabilities

When can an employment application ask whether an individual has a disability?

Never.

In interviews or on job applications, an employer is prohibited from inquiring about the existence or nature of an applicant's disability prior to offering an employment position. An employer may only inquire about the applicant's ability to perform job-related duties.

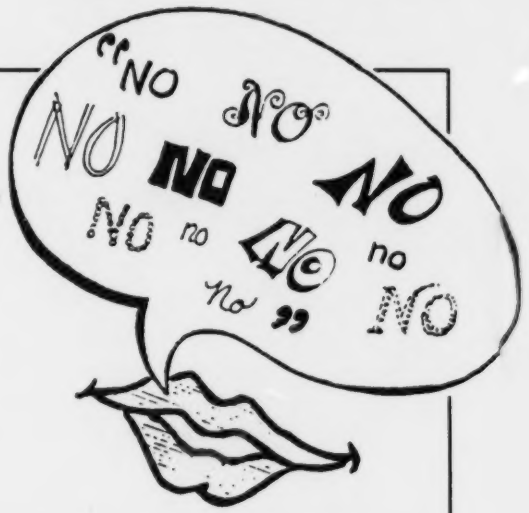
**Prohibited:** Do you have a physical or mental disability?

**Prohibited:** Do you have epilepsy?

**Permitted:** Can you operate a motor vehicle?

**Permitted:** Can you lift 25 lb. boxes for a full work day?

Pre-employment MEDICAL EXAMS or INQUIRIES about your disability – JUST SAY . . .




## Medical exams

When can an employer require me to take a medical exam?

An employer is prohibited from requiring you to take a medical exam *before* a conditional job offer.

The employer can require exams after giving you a conditional job offer if

- all entering employees in the same job category are required to take the exams,
- the information obtained from the exam is kept confidential. Exceptions are that supervisors and managers may be informed about your job duties and any necessary restrictions and accommodations; first aid and safety personnel may be informed, when appropriate; government officials investigating compliance with the ADA and other laws prohibiting discrimination on the basis of disability should receive relevant information on request; state workers' compensation offices or "second injury" funds may be provided with relevant information; and insurance companies may be provided with relevant information where the company requires a medical examination to provide insurance coverage.

What about drug testing?

Drug tests are not considered medical exams, and therefore tests to determine illegal drug use are the only tests of a medical nature that can be given by an employer during the hiring process. Remember: if you are taking a drug under medical supervision, it can never be considered an illegal drug and used as the basis for denying you a job.

## Medical insurance

Could I be denied a position because of the cost of my health insurance?

No.

Employers may not refuse to hire you because of increases or a fear of increases in their insurance costs. All persons with disabilities must be given the same access to health insurance coverage that is provided to other employees. The ADA, however, does not change the insurance industry's underwriting methods or regulatory structure. Consequently, insurance companies can establish coverage limitations (pre-existing condition restrictions, limitations on specific treatments, etc.) *if based on their actuarial data and risk assessments.*

## Relationship or association with a person with a disability

An employer cannot deny an employment opportunity or benefit to an individual because that person has a known relationship or association with a person who has a disability.

> As an example, an employer cannot fire or refuse to hire a person because that person's spouse, child or other family member has a disability. However, the ADA does not require an employer to provide reasonable accommodations to the person without a disability. An employer's obligation to make reasonable accommodations applies *only* to qualified individuals with a disability.

## Rights and remedies

### *Grievance*

What can I do if an employer *does* discriminate against me because of my disability?

Within 180 days of the discrimination incident, file a complaint detailing the discrimination with the Equal Employment Opportunity Commission (EEOC). Within 300 days of the discrimination incident, the complaint can also be filed with a state or local Fair Employment Practices Agency (FEPA) if it has a cooperative agreement with the EEOC to handle such complaints.

What happens next?

The EEOC will investigate the charge. If it finds reason to believe that discrimination has occurred, the EEOC will attempt to get the employer to voluntarily provide full relief to the person. If the employer refuses, the EEOC will consider whether or not to take the employer to court to seek appropriate relief.

Alternatively, the individual with a disability may request a "right to sue" letter from the EEOC at any time after 180 days has passed since filing the charge. Once the individual receives a "right to sue" letter, she or he may file a lawsuit against the employer. (A "right to sue" letter also is issued if the EEOC finds no cause to believe that discrimination occurred, or decides not to file a lawsuit against an employer after conciliation efforts have failed.)

If I go to court and prove I was discriminated against, how will I be compensated?

Several remedies are available to compensate people who have suffered disability discrimination in the workplace. Possible remedies include

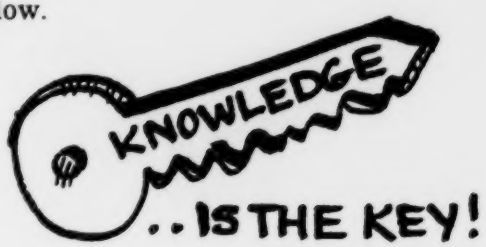
- back pay (the salary the employee would have earned had she or he not been fired),
- reinstatement (with reasonable accommodation when needed),
- compensatory and/or punitive damages under the Civil Rights Act of 1991,
- attorneys' fees (reimbursement for those fees incurred during the litigation process).

You should recognize that filing a formal complaint may not be the best solution to every problem. Using other methods—such as informal discussions with the employer, formal negotiations with a third party (mediation) or arbitration—might resolve the dispute sooner, with less expense, and leave you and the employer with a workable relationship for the future.

Many individuals with disabilities experience difficulty getting and keeping a job. Knowledge of the employment protections the ADA provides for you can be the key to achieving equality in the workplace.

Test your understanding of the terms listed below.

- Qualified individual with a disability
- Essential job functions
- Reasonable accommodation
- Undue hardship
- Direct threat



# Public Services (Title II)

Have you ever been denied services offered by a state or local government? Perhaps, because of your disability, you've been refused enrollment in a program sponsored by your city or county. In most cases, excluding you from governmental services and programs because of a disability is an act of discrimination and prohibited. Your right to receive public services is contained in Title II of the ADA.

Who are the public service providers?

State or local governments that offer and operate public services are public service providers. "**Public entities**" is the term used to cover all components of state and local government. It includes

- counties,
- cities/municipalities,
- districts,
- agencies,
- departments, and
- school districts.

PUBLIC ENTITIES INCLUDE:
⊙ Departments, agencies of state or local goverments
⊙ Activities, services or programs of Public Entities....
Examples:
* MOTOR VEHICLE LICENSING
* LOCAL PUBLIC BUS SERVICE
* TOWN MEETINGS
* PUBLIC SCHOOLS
* STATE PARKS
* COURT BUILDINGS
* STATE LEGISLATURE

You cannot be excluded from any of the programs, activities, or services offered to the public by these "public entities." They include, but are not limited to:

- police and fire protection,
- town meetings,
- elections/voting,
- park and recreation programs,
- employment services and programs,
- licensing (fishing, motor vehicles, etc.),
- judicial and legislative proceedings (legislature, courts, etc.),
- public transportation, and

- public schools, universities and colleges.

Who is guaranteed protection under Title II?

All "qualified individuals with a disability" are protected.

**Qualified individuals with a disability** are persons who meet the essential eligibility requirements for a public service—with or without the need for modifications to make the service accessible.

It is illegal for a qualified individual with a disability, by reason of the disability, to be excluded from participation in or denied the benefits of services, programs or activities of a public entity. This means that public services *must* be accessible to qualified individuals with a disability.

How can the services be made accessible?

**By making reasonable modifications** to policies, practices or procedures, unless doing so results in a fundamental alteration to the governmental program.

> An example of a reasonable modification would be a public agency providing someone to assist a person who has a cognitive disability complete an application process to demonstrate their eligibility to receive emergency food or shelter.

**By providing program access** through a variety of methods ranging from the provision of services at alternate accessible sites, to the alteration of existing facilities.

> Examples include providing wheelchair access ramps in government buildings, and providing elevator buttons at a level accessible for people using wheelchairs. Public entities may also relocate a program from an inaccessible location to an accessible site to meet program access requirements.

**By providing auxiliary aids** and services, unless to do so would result in an *undue burden* on the public entity.

An example would include providing a sign language interpreter on the floor of the state legislature for those members who have hearing impairments.

Determining if the provision of an auxiliary aid or service imposes an **undue burden** on the public service provider, is similar to determining if a **reasonable modification** in employment imposes an **undue hardship** on the employer (see page 8).

Am I entitled to public services, programs or activities in an integrated setting?

Yes, unless separate or different settings are necessary to ensure equal opportunity to the service, program or activity.

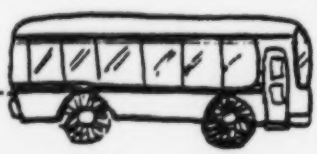
What are the rules concerning integrated settings?

Public services cannot be provided in a segregated fashion simply because it is more convenient. Administrative or fiscal convenience is not a proper justification for separate or different services. Providing a separate service or program for persons with disabilities, although not prohibited, cannot be used as the basis to exclude qualified persons with disabilities from programs that are offered to persons without disabilities.

An example would include providing a separate baseball team for children with physical disabilities. Providing the separate team is permissible but it cannot be used as a justification for excluding a child with a physical disability who— with or without modifications—could participate on the regular Little League team.

When do the protections against discrimination in public services begin?

The protections went into effect on January 26, 1992.



## Transportation—publicly funded or operated*

The lives of persons with disabilities have been greatly restricted by a lack of accessible transportation. When drafting the ADA, Congress recognized that accessible, publicly-funded transportation is essential to providing equal opportunities. As a result, the public services (Title II) section of the Act mandates great change in public transportation. Because changes are needed in all modes of public transportation, it will take several years before this section of the ADA is fully implemented. Effective dates of implementation differ depending on the type of transportation system and whether vehicles are new, used or remanufactured.

What follows is a brief overview of the public transportation requirements.

*Privately funded or operated transportation is described under Title III.

What types of public transportation are covered?

Modes of transportation that provide the public with service on a *regular and continuing basis* (not including air travel, which is covered by the Air Carrier Access Act of 1986) are governed by the ADA.

Title II's provisions cover fixed-route and demand-responsive systems.
**Fixed-route systems** include

- bus service,
- rapid rail (subway),
- intercity rail (Amtrak),
- light rail (trolleys, street cars), and
- commuter rail.

**Demand-responsive systems** are transportation systems that are not fixed route. Many such systems serve individuals with disabilities who are unable to use fixed-route service.

## *Fixed-route*

**Fixed-route system:** A system providing public transportation with vehicles operated on prescribed routes and fixed schedules.

The ADA provides standards of accessibility for fixed-route vehicles and facilities.

### Bus systems

What are the accessibility requirements for buses?

There are different requirements for new, used and remanufactured buses.

***New buses***

All buses purchased or leased after August 25, 1990 must

- be readily accessible to and usable by people with disabilities and
- accommodate all wheelchairs in common use.

Must all new buses be equipped with lifts?

Not necessarily. "Readily accessible" could mean a bus has a lift, a ramp or a low floor. These

features and the securement device used must accommodate

- all wheelchairs in common use,
- three-wheeled scooters,
- all mobility devices in common use (walkers, crutches), and
- people with walking impairments who do not use mobility devices.

***Waivers for unavailability of lifts***

The ADA would not require a public transit agency to purchase new buses with lifts if the agency could demonstrate that lifts were unavailable. Such circumstances are likely to be rare.

How can a public transit agency prove that lifts are unavailable?

The agency must show that

- all orders for new buses specified accessible buses,
- the orders were made in a timely manner,
- no qualified manufacturer had accessible buses for purchase, and
- further delay in purchasing buses would significantly impair transportation services in the community.

If all four factors are demonstrated, the Department of Transportation may grant temporary relief from the requirement to purchase accessible buses.

Other Title II-mandated accessibility features must accommodate people with sensory and cognitive impairments by providing information in accessible formats (examples are bells, buzzers, lights and illustrated information in place of written signs) and assistance to passengers.

***Used buses***

Any public transit agency that purchases or leases *used* buses must demonstrate that good faith efforts were made to acquire used vehicles readily accessible to and usable by individuals with disabilities.

## Public bus stations

**All new stations** for public bus transportation must be accessible to persons with disabilities.

**Existing bus stations**, if altered, must be made accessible if the cost of doing so is not disproportionate to the overall renovation.

## Public "over the road" buses

Public "over the road" buses—buses with an elevated passenger deck and a baggage compartment underneath—must be accessible.

## Rail transportation

What are the accessibility requirements for rail transportation?

### *Existing Trains*

**All rail operators** are governed by the "one car per train" rule. This rule applies to light and rapid rail systems such as trolleys, streetcars and subways, and to intercity (Amtrak) and commuter trains. The "one car per train" rule requires that these vehicles have at least one passenger car that is accessible to persons with disabilities, including those who use wheelchairs, by July 26, 1995.

### *New Rail Cars*

**All new rail cars** purchased after August 25, 1990 must be accessible.

### *Used Rail Cars*

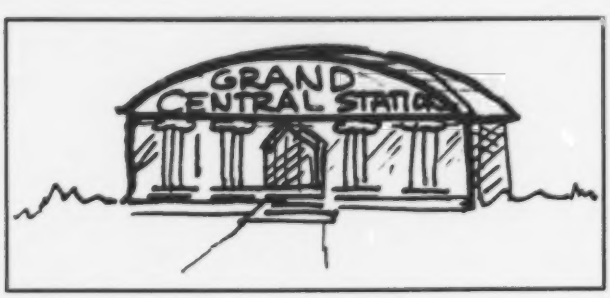
**Used rail cars**, whether purchased or leased, must be accessible unless the rail system demonstrates that good faith efforts to find accessible cars were unsuccessful.

**Light** and **rapid rail cars** that are remanufactured to extend the life of the car for five years or more must be accessible to the maximum extent possible.

**Intercity** and **commuter rail cars** that are remanufactured to extend the life of the car for 10 years or more must be accessible to the maximum extent possible.

## Rail stations/facilities

**All new stations**/facilities must be accessible.




**Existing key stations** have more complex accessibility criteria. Key stations are: stations with high ridership, transfer points, feeder stations, and end-of-the-line stations. The rules for key stations are as follows:

Light, rapid and commuter rail key stations must be accessible by July 26, 1993. However, if extraordinarily expensive structural modifications are needed, more time may be provided by the Department of Transportation.

For light and rapid rail key station accessibility, up to 30 years are allowed (July 26, 2020), but two-thirds of the stations must be accessible in 20 years (July 26, 2010).

For commuter rail key station accessibility, up to 20 years are allowed (July 26, 2010).

**Existing intercity rail stations (Amtrak)**

Existing stations must be accessible by July 26, 2010.

## Demand-responsive systems

**Demand-responsive system:** Any transportation system that is not fixed-route—you call for transport and it comes directly to you.

It is discriminatory (unlawful) for any public entity to operate a demand-responsive system that is not accessible to individuals with disabilities, including those in wheelchairs.

Must all vehicles in a demand-responsive system be accessible?

No.

A demand-responsive system is considered to be accessible if, viewing the system in its entirety, the level of service provided to persons with disabilities is equivalent to the level of service provided to others.

## ADA Paratransit service

**ADA Paratransit:** A demand-responsive system which complements (operates in conjunction with) a fixed-route system.

Who is eligible for paratransit?

Eligibility for ADA paratransit service is available to persons who:

- cannot independently board, ride, or disembark from accessible fixed-route system vehicles as a result of a physical or mental impairment, including vision impairment;

- have a specific impairment—or related condition—which prevents them from getting to a boarding location or from a disembarking location on a fixed-route system; and
- could use an accessible fixed-route service if it were available, but for whom it is not yet available.

Paratransit service must also serve at least one companion who may ride with an eligible recipient of paratransit services.

Who must provide paratransit service?

Public entities that operate a fixed-route system must provide a paratransit service for persons with disabilities. The service must be comparable to the fixed-route service. This includes

- comparable service area
- comparable response time
- comparable hours and days of service
- comparable fares

When are public entities required to begin implementing paratransit service?

Public entities were required to begin implementing paratransit service on January 26, 1992.

## Rights & remedies

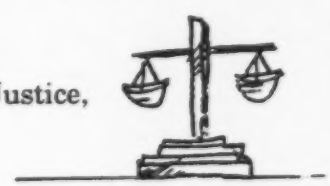
### *Grievance*

What can I do if I'm discriminated against by a public entity in my attempts to receive public services or public transportation?

Public entities are required by the ADA to establish an internal procedure for handling ADA grievances within their agency. You can attempt to resolve a situation by speaking to an employee who has been designated as responsible for ADA compliance.

If you are not successful in trying to resolve your situation directly with the agency, you may file a complaint for yourself, or on behalf of a class of individuals. You must file this complaint within 180 days of the incident. The complaint should be filed with any one of the following:

- the U.S. Department of Justice,
- federal agencies designated by the Department of Justice,



- any federal agency that provides funding to the public entity responsible for the discrimination,
- private law suits can be filed, and attorneys' fees may be recovered.

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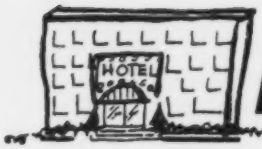
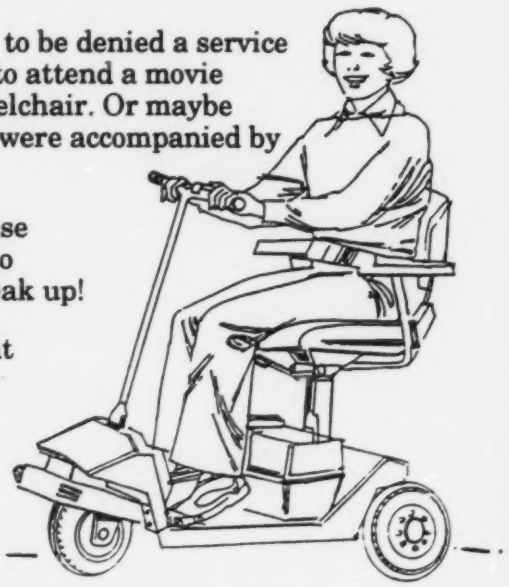
All individuals should have an equal opportunity to receive and enjoy the benefits of government services. Title II of the ADA is a powerful tool which individuals with disabilities and their advocates can use to eliminate discrimination in public services.




# Public Accommodations (Title III)

It is not uncommon for an individual with disabilities to be denied a service from a private business. Perhaps you've been unable to attend a movie because the theater could not accommodate your wheelchair. Or maybe you were refused service at a restaurant because you were accompanied by a guide dog.



You may have been reluctant to draw attention to these barriers in the past. But Title III protects your right to be accommodated. The law is now on your side, so speak up!

Title III requires compliance from private entities that

- own,
- lease,
- lease to, or
- operate

most businesses that offer accommodations, goods or services to the public. There is great variety among these businesses.

| INCLUDED ARE: | EXAMPLES: |
|---|---|
| Eating and drinking establishments | Restaurants and bars |
| Entertainment facilities | Sports stadiums/arenas, concert halls, theaters |
| Places of lodging | Hotels, motels, inns |
| Stores providing goods for sale or rent | Grocery and bakery stores, clothing and hardware stores, shopping centers |
| Businesses that provide services | Gas stations, shoe repair shops, private hospitals, clinics, doctors' and lawyers' offices, pharmacies, dry cleaners, banks, beauty salons, laundromats, insurance offices, funeral parlors |
| Public gathering places | Convention centers, auditoriums, lecture halls |
| Private recreational facilities | Amusement parks, zoos, parks |
| Exhibits, displays, and collections | Museums, libraries, galleries |
| Privately-owned public transportation | Terminals, depots, stations |
| Social service centers | Child care and senior citizen centers, homeless shelters, food banks, adoption agencies |
| Places of exercise | Gymnasiums, health spas, golf courses, bowling alleys |
| Places of private education | Nursery, elementary, secondary, undergraduate, or postgraduate schools |

Title III prohibits discrimination against persons with disabilities in "places of public accommodation" by private companies. This prohibition against discrimination is clearly stated in Title III:

**General Rule:**

**No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.**

Title III requirements for new construction and alterations of existing buildings also cover commercial facilities. Commercial facilities are nonresidential facilities such as office buildings, factories and warehouses whose operations affect commerce.

Are there any private entities *excluded* under Title III?

Yes.

- Religious organizations, including places of worship, *and*
- Private clubs that control membership selection and have specific admission criteria.

When is the law effective?

Most provisions in this section of the ADA became effective on January 26, 1992.

## Private business offering public accommodations—overall requirements

Under the public accommodations section, no individual or class of individuals with disabilities can be denied the full enjoyment of goods and services offered by a place of public accommodation.

What is considered discriminatory?

It is discrimination if a business, directly or through contractual arrangements:

**Denies a person** with disabilities the opportunity to participate in—or benefit from—a good, service, facility or accommodation;

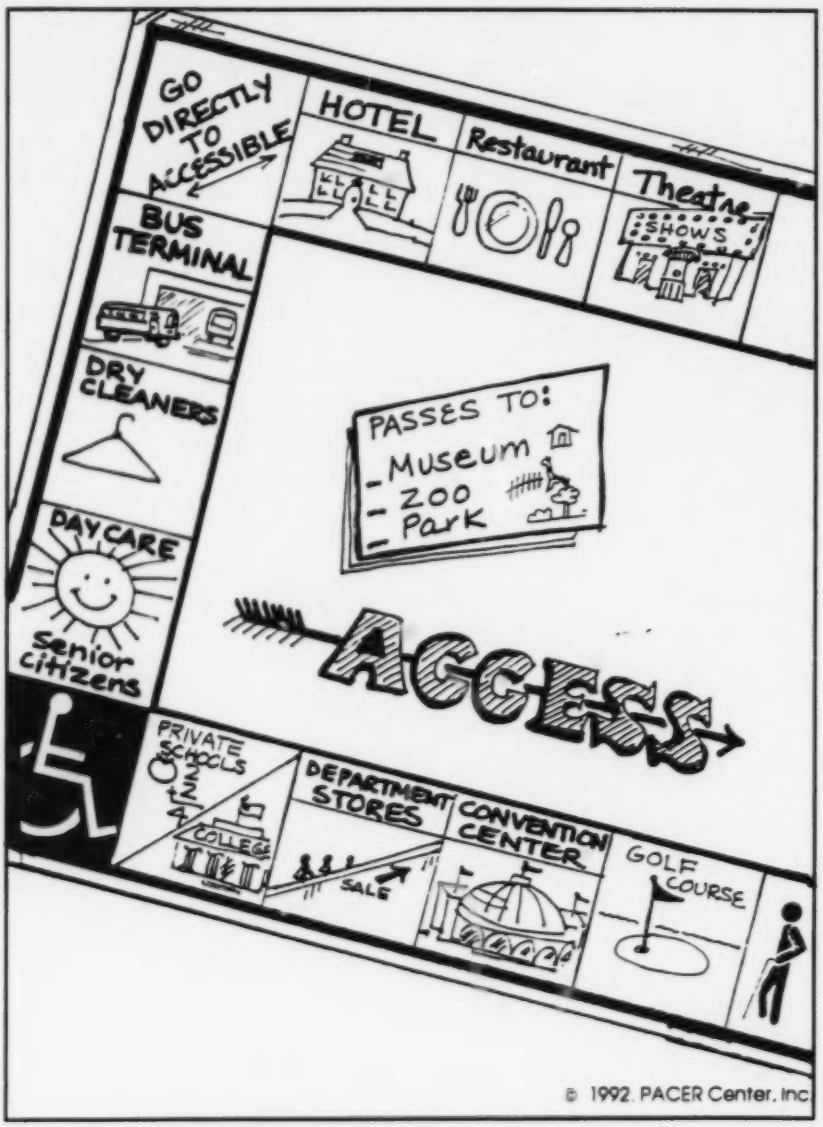
**Example:** A restaurant cannot refuse to serve a person with a disability solely because it believes business will decrease or that the restaurant's liability insurance will increase.

**Fails to afford** an individual with disabilities an opportunity equal to that afforded individuals without disabilities to enjoy its good and services;

**Example:** A health club cannot limit a person with disabilities to only certain areas of the club while allowing others to use the entire club.

**Provides different** or separate goods or services to persons with disabilities—distinct from those provided to persons without disabilities— unless the separate or different good or service is necessary to provide individuals with disabilities an opportunity equal to that provided to others.

**Example:** A theater cannot schedule performances that are for "persons with disabilities only" and prohibit persons with disabilities from attending all other performances.




As you can see, Title III's guidelines **do** require that goods and services are offered to persons with disabilities in the most integrated

setting appropriate to the needs of the individual. For instance, in new construction, theaters and auditoriums that seat more than 300 people will be required to provide integrated seating at all price levels. Smaller assembly rooms must also have accessible seating in at least one location.

If a separate program or activity is provided solely for persons with disabilities, must you *still* be allowed the opportunity to participate in programs that are not separate or different?

Yes. Suppose a bowling establishment has a special league bowling night for teams made up of persons with vision impairments. The existence of a separate league does *not* allow the bowling establishment to deny a qualified person with a vision impairment the opportunity to bowl during regular hours or in a league open to everyone, as long as the person does not pose a direct threat to others.

Does the law protect individuals or entities who are associated with persons with disabilities?

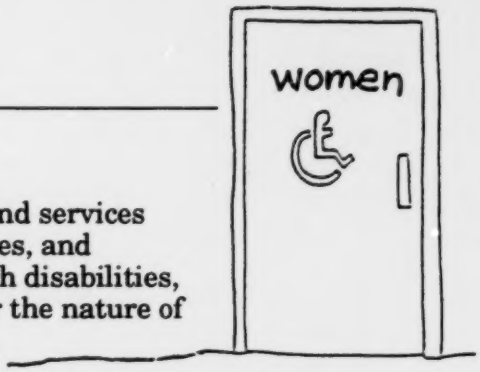
Yes. Persons or entities who have relationships or associations with persons with disabilities cannot be denied goods, services or accommodations because of that known association. For instance, a health club can't deny membership to a person because that person's spouse has the HIV virus, or has a physical disability.

## Eligibility criteria

The ADA's public accommodation provisions prohibit the use of eligibility criteria that screen out people with disabilities, unless the private entity can demonstrate the criteria are necessary for providing goods and services.

**Example:** Businesses that sell or serve alcoholic beverages cannot limit acceptable forms of identification to a driver's license, since many individuals with disabilities cannot obtain a driver's license. Additional forms of identification must be acceptable.

It is, however, permissible to include eligibility criteria if the criteria are necessary for providing the goods and services. For instance, to be eligible to drive a rental vehicle from a rental car company, holding a valid driver's license is a legitimate eligibility requirement based on safety concerns. An individual who is blind and cannot obtain a driver's license would not be eligible for this service.




## Reasonable modifications

The ADA also mandates that a provider of goods and services make reasonable modifications to its rules, practices, and policies to provide goods and services to people with disabilities, unless the modification would fundamentally alter the nature of the goods or services.

> **Example:** A hotel that does not allow pets must modify such a rule for persons with vision impairments who use assistance animals such as guide dogs. Additionally, if a movie theater does not have an accessible seating area that enables persons with disabilities to sit with companions who do not use wheelchairs, the theater's seating practices must be modified to allow additional seats for use by persons without disabilities in the wheelchair accessible seating area.

However, an art museum with a general policy prohibiting anyone from touching art work could deny a person who is blind from handling the art work if such a modification in policy would result in damage to the art work and thus fundamentally alter the museum's service.

## Auxiliary aids and services

For persons with disabilities to gain equal access to places of public accommodation, it may be necessary to provide auxiliary aids and services to ensure effective communication.

Examples of auxiliary aids and services include

- qualified interpreters;
- assistive listening headsets;
- television captioning and decoders;
- text telephones for persons who are deaf;
- videotext displays;
- readers, taped texts, braille materials, and large print materials.

<u>My husband is blind. In order for him to have an equal opportunity to receive goods and services, he requires auxiliary aids. When must the auxiliary aids be provided?</u>

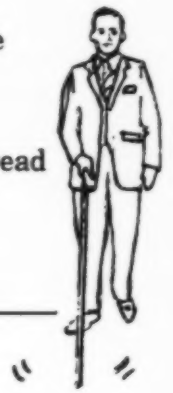
In order to ensure effective communication, auxiliary aids and services must be provided unless the provider can demonstrate that taking such steps would fundamentally alter the nature of the services or goods or would result in an *undue burden*.

The **undue burden** factor is similar to the **undue hardship** factor discussed in the employment chapter (see page 8). It refers to an action that would require significant difficulty or expense for the provider.

> **Example:** Consider a particular individual who is deaf and needs a sign language interpreter for effective communication when receiving certain medical services. If it does not pose an undue burden, health care organizations that employ numerous doctors and other medical personnel would be expected to provide the auxiliary aids necessary to ensure that the individual receives the services needed.
>
> If, however, the individual needing a sign language interpreter made an appointment with an independent, self-employed, physical therapist it could be an undue burden to expect that individual therapist to provide the auxiliary aid needed.

It should be noted that there are modifications which can provide effective communication for individuals with disabilities that do not result in significant difficulty or expense to the provider.

> **Example:** In a restaurant a waiter or waitress could be available to read the menu to a person who is vision impaired, rather than asking the restaurant to have braille menus.



## Architectural and structural barriers — access to public accommodations

The ADA requires places of public accommodation to be physically accessible to people with disabilities, including those with mobility impairments.

There are different standards for accessibility depending on whether the structure is a new, existing or altered facility.

### *New construction*

The ADA sets a stringent accessibility standard for all new public accommodations and commercial facilities that will be occupied for the first time after January 26, 1993 and for which the last application for a building permit, or permit extension, was certified as complete after January 26, 1992. These must be readily accessible to, and usable by, individuals with disabilities.

There are two narrow exceptions to this requirement:

- elevators are not required in new buildings of less than three stories, or in new buildings of less than 3,000 square feet per story (unless they are the offices of a health care provider or a shopping mall)

*and*

- a facility need not be readily accessible if the owner demonstrates that making the building readily accessible is structurally impracticable.

What if a business is planning to build a new facility and you believe the building will not be accessible as required by the ADA?

Title III permits an individual to allege discrimination based on a reasonable belief that discrimination is about to occur. You can therefore challenge the planned construction of a new facility which you believe will not be accessible to people with disabilities. You do not have to wait until after the facility is actually built to file suit.

## *Altered facilities*

When a building is altered, the altered area must be made readily accessible to and usable by persons with disabilities to the maximum extent feasible. When alterations are made to a **primary function area**—such as the lobby of a hotel or the dining area of a cafeteria—an accessible path of travel must be provided to the altered area and to the bathrooms, telephone and drinking fountains servicing the altered area. Accessibility alterations to the path of travel are required only to the extent that the cost is not disproportionate to the overall cost of the alteration. The cost is disproportionate if it exceeds 20% of the original alteration cost to the primary function area. If estimated total costs exceed 20%, then alterations must be made for at least that amount (20%). Then, plans for additional necessary alterations must be prioritized with a timeline for their completion.

## *Existing facilities*

Structural and architectural barriers in existing facilities must be removed if removal is *readily achievable*.

What is readily achievable?

**Removal of a structural barrier is readily achievable if it is**

- easily accomplished

*and*

- can be carried out without much difficulty or expense.

Many structural changes are readily achievable, such as lowering the height of public telephones, drinking fountains, door knobs and light switches. It may also be readily achievable for restaurants to rearrange furniture, and for department stores to adjust their clothing racks and shelves to provide access to persons with wheelchairs.

What about installing elevators?

In most cases, it is unlikely that installing an elevator in an existing building is readily achievable for a small private entity.

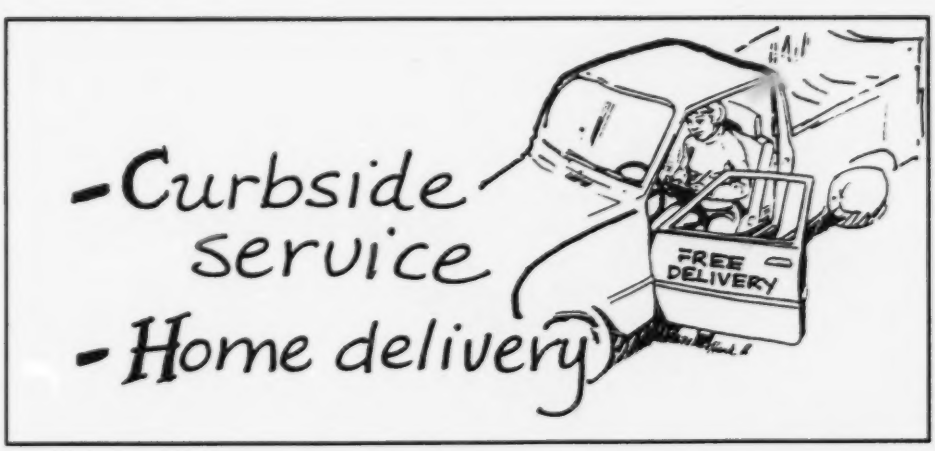
What factors are considered when determining whether a change is readily achievable?

Achievability should be determined on a case-by-case basis and the decision based on

- the nature and cost of needed action;
- the overall financial resources of the facility or its parent company;
- the number of employees at the facility;
- the effect of the action on the expenses, resources and operation of the facility;
- the number, type and location of facilities; and
- the geographic proximity and the administrative or fiscal relationship of the facility to the covered entity or its parent company.

If change or removal is not readily achievable, what else does the ADA require?

If removal is not readily achievable, a facility must make the goods, services and accommodations available to persons with disabilities through **alternative methods**, but only if alternative methods are readily achievable.



Alternatives that are readily achievable might include a supermarket offering home delivery of groceries, curb service and in-store assistance in retrieving goods from high shelves and racks.

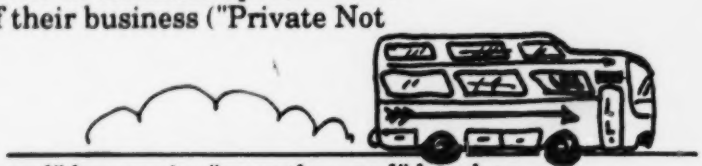
Persons with disabilities are acutely aware of accessibility barriers in all buildings. The ADA does not demand that private facilities all become structurally accessible overnight. It does, however, set out a reasonable plan that, over time, will eliminate most of the difficulties that prevent persons with disabilities from enjoying activities offered to the public by the private sector.

## Transportation—privately operated

There are many private companies that offer bus, van and taxi transportation to the public. The types of services they offer fall into several categories.

Title III of the ADA establishes accessibility rules for three types of private transportation services:

- intercity bus transit (i.e., Greyhound);
- private companies primarily in the business of providing transportation to the public ("Private Primarily"); and
- private companies not primarily in the business of providing transportation to the public, but who nevertheless provide *some* transportation services as part of their business ("Private Not Primarily").



### *Intercity bus service*

Intercity vehicles are called "over the road" buses. An "over the road" bus has an elevated passenger deck and a baggage compartment underneath.

When are "over the road" buses required to be accessible?

"Over the road" buses have a temporary exemption. They must be accessible **by July 26, 1996** for large providers of "over the road" transportation services, and **by July 26, 1997** for small providers of "over the road" transportation services. Small providers are defined by the Secretary of Transportation.

These dates may be extended by one year if the President of the United States finds that the accessibility requirements will significantly reduce intercity bus services.

By January 26, 1993 the Office of Technology Assessment (OTA) must determine the best methods for providing accessible "over the road" bus service. In the interim, "over the road" buses are required to:

- offer boarding assistance to individuals with disabilities who cannot board the bus independently *and*
- provide stowage of the wheelchair.

### *Private primarily*

Private companies primarily in the business of providing transportation, such as tour and charter bus companies, are required to

- have eligibility criteria that do not screen out persons with disabilities from using their services;
- make reasonable modifications in policies, practices, and procedures if necessary to provide service to persons with disabilities;
- provide auxiliary aids and services when necessary to enable persons with disabilities to have access to the service;
- remove barriers to accessibility if removal is readily achievable; and
- purchase an accessible vehicle or provide equivalent service.

What are the accessibility requirements for new vehicles purchased by companies primarily in the business of providing transportation?

Accessibility requirements for new vehicles are different for fixed-route service and demand-responsive service.

***Fixed-route service***

New vehicles purchased for **fixed-route systems** must be accessible to persons with disabilities. Exempted from this requirement are

- vans with a seating capacity of eight or less, if the vans are part of a system which provides an equivalent level of service to persons with and without disabilities when that system is viewed in its entirety;
- automobiles; and

- over the road buses (these are covered under the intercity bus transit rule discussed previously).

***Demand-responsive service***

New vehicles purchased for demand-responsive systems must be accessible unless the service provider can demonstrate that the existing system, when viewed in its entirety, provides an equivalent level of service to persons with and without disabilities.

## *Private not primarily*

What are examples of private companies that are not primarily in the business of offering transportation, but do provide *some* transportation service?

- Hotel and motel airport shuttles
- Shuttle services at stadiums, zoos, amusement parks, ski resorts
- Corporate-run employee and customer shuttle services

What are the accessibility requirements for this type of transportation service?

The accessibility requirements differ for fixed-route service and demand-responsive service.

***Fixed-route service***

New vehicles seating 16 passengers or more must be accessible to persons with disabilities.

New vehicles seating less than 16 passengers must be accessible *unless* the service, when viewed in its entirety, provides equivalent service to persons with and without disabilities.

Automobiles and vans seating less than eight persons need not be accessible.

***Demand-responsive service***

A demand-responsive service operated by a company not primarily in the business of offering transportation must provide equivalent service to persons with and without disabilities when the system is viewed in its entirety. Automobile transportation, however, is not required to be accessible.

## Rights and remedies

### *Grievance*

What can be done if a private entity offering services, goods, facilities or accommodations to the public discriminates against a person with a disability?

That person can attempt to rectify the situation by speaking to the owner or manager of the business. If, however, this is not successful the individual can file a private action in court, seek injunctive relief and recover attorneys' fees. An individual may also file a complaint with the Department of Justice.

What is injunctive relief?

Injunctive relief would include

- altering facilities, services or accommodations to make them accessible;
- requiring auxiliary aids or services;
- modifying a policy, procedure or practice; or
- providing a service or goods by alternative methods.

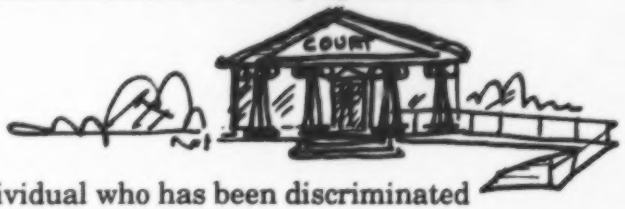
When individuals file private actions, compensatory and punitive damages are not available.

Does the Attorney General of the United States have any role in enforcing the ADA's public accommodation requirements?

Yes, the Attorney General

- investigates alleged public accommodation violations and conducts compliance reviews;
- certifies that state and local building codes for accessibility meet or exceed federal guidelines;
- brings civil actions in federal court in cases involving a pattern or practice of public accommodation discrimination, and in cases raising issues of general public importance.

What remedies can the Attorney General seek when bringing an action in federal court?




The Attorney General can seek

- injunctive relief,
- monetary damages for an individual who has been discriminated against (does not include punitive damages), and
- civil fines against the service provider that is alleged to have violated the ADA's public accommodation requirements.

In general, most of the requirements for places of public accommodation went into effect on January 26, 1992.

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The ADA section on public accommodations is broad. Not only does it establish many rules prohibiting discrimination in providing goods and services to persons with disabilities, it also establishes non-discriminatory requirements for constructing new facilities, altering existing facilities and providing privately operated transportation to the public.

By becoming familiar with the rules, persons with disabilities, their family members and advocates can act to ensure that changes in services offered by private businesses will occur in their own community.

# Telecommunications (Title IV)

Individuals with hearing and speech impairments have had limited access to communication services which creates barriers to participation and integration in the community.

Title IV of the ADA mandates that telephone services are available to persons with hearing and speech disabilities in a manner that is functionally equivalent to voice telephone users. This mandate promises to enrich the lives of persons with and without disabilities. Two major services are required:

1) Telecommunications relay services (TRS)

2) Closed captioned public service announcements

## Telecommunications relay services

What is a relay service and how does it work?

A relay service enables persons with hearing or speech impairments to communicate with anyone through the use of a communications assistant (CA).

The communications assistant operates a Text Telephone (TT) and serves as the link that allows one person who uses a TT to converse with another person who uses a regular voice operated telephone.

What is a TT?

It is a keyboard or typewriter-style machine with a message display. The TT can be connected to a telephone and it sends to and receives coded signals (messages) from other TT's over the telephone lines. Other terms for TT are TDD (telecommunication device for the deaf) and TTY (tele-typewriter).

Why is relay service so important?

Without relay services TT users can communicate only with other TT users. Many individuals and businesses do not have TT's. Relay services open communication between persons with and without disabilities in business and in all aspects of everyday life.

Who must provide the relay service?

All common carriers of telephone communication (regulated telephone companies) that provide communication service within one state or between states are required to provide relay services.

When must relay services be in place?

By July 26, 1993. Many relay services throughout the United States are already in place. In addition, relay services must

- be available 24 hours a day, seven days a week;
- have no restrictions on the length, type or number of calls made by any relay user;
- be "functionally equivalent" to the service available for individuals without hearing and speech disabilities;
- set long distance rates equivalent to the rates charged for non-relay calls;

- prohibit communication assistants from intentionally altering relayed conversations;
- keep relayed conversations confidential; and
- destroy records of relayed conversations once the conversations are completed.

## Closed captioning of public service announcements

What is closed captioning?

It is written subtitles of the information spoken on television. These closed captions are only visible to people who have a decoder attached to their television or a television with a built-in decoder chip.

Will everything on TV be closed captioned?

No, only public service announcements that are funded (entirely or partially) with federal funds.

A public service announcement (PSA) is a short video promotion broadcast free by a television station for a nonprofit organization or public body. For instance, a 15 or 30-second "spot" might air for a city's bicycle safety program, or for a parent training center's fund-raising event.

Who is responsible for supplying closed captions?

The producer of the public service announcement (PSA) is responsible for supplying the closed captions. A television broadcast station (licensee) is not responsible for supplying closed captioning and can only be held liable if it intentionally fails to broadcast the closed captions included in a public service announcement.

In addition to the telecommunication mandates of the ADA, in 1990 President Bush signed into law the Television Decoder Circuitry Act. This act requires that all 13-inch screens and larger televisions be equipped by manufacturers with built-in decoder circuitry by July 1993. This will undoubtedly result in an increased amount of commercial television programs with captioning, in response to public demand.

## Rights and remedies

### *Complaints*

How will the rules covering telecommunications be enforced?

In most situations the Federal Communications Commission (FCC) is responsible for enforcement. Complaints are made to the FCC, which must issue a final order resolving the complaint within 180 days.

- Individuals can have decisions of the FCC reviewed in federal court.
- Attorneys' fees may be available.

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Title IV of the ADA improves access to communication services for persons with hearing and speech impairments. By requiring that telephone relay service be available nationwide, all of society will benefit from increased telecommunication opportunities.

# Miscellaneous Provisions (Title V)

In Title V of the ADA Congress included several important provisions that, in general, apply to the entire Act. Included are:

- **State Immunity**—States are not immune from being sued for violating the ADA. In an action against the state, the remedies available are the same as those available in an action against any private entity.

- **Retaliation**—No one can be retaliated against because of their involvement in enforcing the ADA. It is also unlawful to coerce, intimidate, threaten or interfere with anyone who uses the rights, or encourages others to use the rights, granted under the ADA.

- **Attorneys' Fee Awards**—Awards of attorneys' fees are available to anyone who wins a civil action or administrative proceeding under the ADA.

- **Coverage of Congress**—Congress and all its divisions must comply with the provisions of the ADA.

- **Other Federal and State Laws**—The ADA does not invalidate or limit the rights or remedies of persons under other federal or state laws. The ADA does not limit state civil rights laws that provide greater protection to persons with disabilities than provided in the ADA. Any state law which provides greater protection than the ADA remains enforceable.

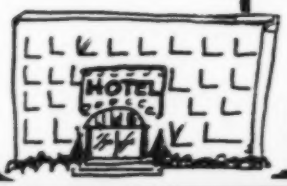
AMERICANS with DISABILITIES ACT
Title I - EMPLOYMENT
Title II - PUBLIC SERVICES - Transportation
Title III - PUBLIC ACCOMMODATIONS - Transportation
Title IV - TELECOMMUNICATIONS
Title V - OTHER PROVISIONS
ACCESS MAINSTREAM

The passage of the ADA was cause for celebration. The law signifies a commitment to fairness and equal opportunity. Working together, people with disabilities, their families and advocates must use the ADA to make integration a reality for all individuals with disabilities in the United States. We are grateful to the U.S. Congress for passing this significant legislation.

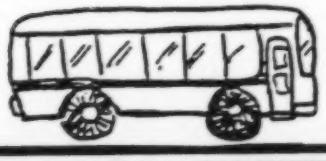
# APPENDICES

# KEY DATES for ADA

**EMPLOYMENT:** JULY 26, 1992 (25+)
JULY 26, 1994 (15-24)




**PUBLIC ACCOMMODATIONS:**
JAN. 26, 1992 (Generally)
JAN. 26, 1993 (New facilities accessible)



**TRANSPORTATION:**

Public Bus System —
AUG. 26, 1990 (New bus purchase)
JAN. 26, 1992 (Generally)

KEY DATES for ADA - continued:

**Public Rail** – ( light, rapid, commuter intercity & AMTRAK)

AUG. 26, 1990
(New rail vehicle purchase)

JAN. 26, 1992 (Generally)

JULY 26, 1993 (Key stations)

JULY 26, 1995 (one car per train)

**Private Bus & Van** –

JAN. 26, 1992 (Generally)

JULY 26, 1996
(Purchase new over-the road buses)

JULY 26, 1997 (Small provider)

**STATE & LOCAL GOVERNMENT OPERATIONS:**

JAN. 26, 1992

**TELECOMMUNICATIONS:**

JULY 26, 1993

## Americans with Disabilities Act (ADA)

# DISABILITY BUSINESS TECHNICAL ASSISTANCE CENTERS (DBTACs)

Region I—New England

New England DBTAC
145 Newbury Street
Portland, ME 04101
207/874-6535

Region II—Northeast

United Cerebral Palsy
Association of New Jersey
354 South Broad Street
Trenton, NJ 08608
609/392-4004

Region III—Mid Atlantic

Mid Atlantic DBTAC
Endepencence Center of N. Virginia
2111 Wilson Boulevard
Arlington, VA 22201
703/525-3268

Region IV—Southeast

United Cerebral Palsy Association
Southeast DBTAC
1776 Peachtree Road
Suite 310 N
Atlanta, GA 30309
404/888-0022

Region V—Great Lakes

Great Lakes DBTAC
University of Illinois at Chicago
1640 West Roosevelt Road
Chicago, IL 60608
312/413-7756

Region VI—Southeast

Independent Living
Research Utilization
2323 South Shepherd, Suite 100
Houston, TX 77019
713/520-0232

Region VII—Great Plains

Great Plains DBTAC
4816 Santa Circle
Columbia, MO 65208
314/882-3600

Region VIII—Rocky Mountain

Meeting the Challenge
Rocky Mountain DBTAC
3630 Sinton Road, #103
Colorado Springs, CO 80907
719/444-0252

Region IX—Pacific

Pacific DBTAC
440 Grand Avenue
Suite 500
Oakland, CA 94610
415/465-7884

Region X—Northwest

Governor's Committee on
Disability Issues & Employment
ESD Warehouse
926 B 79th Avenue, SE
Olympia, WA 98507-9046
206/438-3168

## National Training Projects

Parent Information Center
P.O. Box 1422
Concord, NH 03302-1422
603/224-7005
(Parents and adults with disabilities)

National Council of Independent Living
2111 Wilson Blvd., Suite 405
Arlington, VA 22201

(Independent Living Centers)

# Appendix A

## Responsible Agencies

| | |
|---|---|
| **TITLE I**<br>**Employment** | **U.S. Equal Employment Opportunity Commission**<br>1801 L Street NW<br>Washington, DC 20507<br>**ADA Helpline** (800) 669-EEOC<br>(800) 669-4000 for technical assistance<br>(800) 800-3302 (TT) |
| **TITLE II**<br>**Public Services**<br><br>**TITLE III**<br>**Public Accommodations** | **U.S. Department of Justice**<br>Civil Rights Division<br>Public Access Section<br>P.O. Box 66738<br>Washington, DC 20035-6738<br>(202) 514-0301<br>(202) 514-0383 (TT)<br>(202) 514-6193 (Electronic Bulletin Board) |
| **TITLE II**<br>**Public Transportation**<br><br>**TITLE III**<br>**Private Transportation** | **U.S. Department of Transportation**<br>400 Seventh Street SW<br>Washington, DC 20590<br>(202) 366-1656<br>(202) 755-7687 (TT) |
| **TITLE IV**<br>**Telecommunications** | **Federal Communications Commission**<br>1919 M Street NW<br>Washington, DC 20554<br>(202) 632-7260<br>(202) 632-6999 (TT) |

# Appendix B

## ADA Resource List

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**Architectural and Transportation Barriers Compliance Board**
1331 F Street NW
Suite 1000
Washington, DC 20004-1111
800-USA-ABLE (Voice/TT)

Sets guidelines adopted as accessibility standards under Titles II and III of the ADA. Provides information on technical requirements for accessibility and offers general technical assistance on the removal of architectural, transportation, communication, and attitudinal barriers affecting people with disabilities.

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**Disability Rights Education and Defense Fund (DREDF)**
1633 Q NW, Suite 220 2212 Sixth Street
Washington, DC 20009 Berkeley, CA 94710
**ADA Hotline:** 800-466-4232 (Voice/TT)

DREDF conducts trainings on the ADA, operates a telephone information line to answer ADA questions and responds to requests for ADA materials.

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**Equal Employment Opportunity Commission (EEOC)**
1801 L Street NW
Washington, DC 20507
**ADA Helpline:** 800-669-EEOC for publications
800-669-4000 for technical assistance
800-800-3302 (TT)

Enforces Title I provisions prohibiting discrimination in employment against qualified individuals with disabilities. Provides information, speakers, technical assistance, training, and referral to specialized resources to employers and people with disabilities, through headquarters and district offices.

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**Federal Communications Commission (FCC)**
1919 M Street NW
Washington, DC 20554
(202) 632-7260
(202) 632-6999 (TT)

Enforces ADA telecommunications provisions, which require that companies offering telephone service to the general public must offer telephone relay services to individuals who use text telephones or similar devices. Also enforces requirements for closed captioning of federally produced or federally funded television public service announcements.

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**Job Accommodation Network (JAN)**
West Virginia University
P.O. Box 6123
809 Allen Hall
Morgantown, WV 26506-6122
(800) 526-7234 (ADA Information, Voice/TT)
Calls within WV (800) 526-4698
(800) DIALJAN (ADA Information, Computer Modem)

The ADA Work Line of JAN is staffed by people experienced in discussing the application of the ADA, especially as it relates to accommodation and accessibility issues.

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**President's Committee on Employment of People with Disabilities**
1331 F Street NW
Washington, DC 20004
(202) 376-6200
(202) 376-6205 (TT)

Provides information and advice on employment of people with disabilities. Conducts training conferences on ADA, and an annual meeting which offers training opportunities on many aspects of employing people with disabilities. Works with state organizations of governors, mayors, local committees, disability rights advocates, etc. to increase employment opportunities for people with disabilities. Involved in programs with business, industry, and labor to educate and inform through local and national initiatives.

**U.S. Department of Justice**
Civil Rights Division
Public Access Section
P.O. Box 66738
Washington, DC 20035-6738
(202) 514-0301
(202) 514-0383 (TT)
(202) 514-6193 (Electronic Bulletin Board)

Enforces ADA provisions prohibiting discrimination on the basis of disability in state and local government services (Title II), and in public accommodations and commercial facilities (Title III). Provides technical assistance to those with rights and responsibilities under the law.

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**U.S. Department of Transportation**
400 Seventh Street SW
Washington, DC 20590
(202) 366-1656
(202) 755-7687 (TT)

Enforces ADA provisions that require nondiscrimination in public (Title II) and private (Title III) mass transportation systems and services.

# Appendix C

## Parent Training and Information Centers

Throughout the nation there are training and information centers that serve families of children and young adults with disabilities. These centers can be called for information on education, laws relating to individuals with disabilities and any other related questions or concerns. If you are an individual with a disability, a family member or an advocate, do not hesitate to contact the Parent and Training Information Center in your geographic area.

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**Alabama**
Special Education Action Committee
P.O. Box 161274
3207 International Drive, Suite C
Mobile, AL 36606-3037
(205) 478-1208 Voice/ TT
FAX: (205) 473-7877

**Alaska**
P.A.R.E.N.T.S. Resource Center
P.O. Box 32198
Juneau, AK 99803
(907) 790-2246 (TT is available)
FAX: (907) 790-2248

**Arizona**
Pilot Parent Partnerships
2150 E. Highland Ave., No. 105
Phoenix, AZ 85016
(602) 468-3001

**Arkansas**
Arkansas Disability Coalition
10002 W. Markham, Suite B7
Little Rock, AR 72205
(501) 221-1330 Voice/TT

**Arkansas**
FOCUS, Inc.
2917 King St., Suite C
Jonesboro, AR 72401
(501) 935-2750 Voice/TT

**California**
DREDF
2212 Sixth St.
Berkeley, CA 94710
(510) 644-2555
FAX: (408) 297-6301

**California**
Matrix
P.O. Box 6541
San Rafael, CA 94903
(415) 499-3877

**California**
Parents Helping Parents
535 Race St., Suite 220
San Jose, CA 95126
(408) 288-5010

**California**
Team of Advocates for Special Kids (TASK)
100 West Cerritos Ave.
Anaheim, CA 92805-6546
(714) 533-8275
FAX: (714) 533-2533

**Colorado**
PEAK Parent Center, Inc.
6055 Lehman Drive, Suite 101
Colorado Springs, CO 80918
(719) 531-9400
(719) 531-9403 TT
FAX: (719) 531-9452

**Connecticut**
CT Parent Advocacy Center, Inc. (CPAC)
5 Church Lane, P.O. Box 579
East Lyme, CT 06333
(203) 739-3089 (TT)

**Delaware**
Parent Information Center (PIC)
700 Barksdale Road, Suite 6
Newark, DE 19711
(302) 366-0152
(302) 366-0178 (TT)

**District of Columbia**
COPE
P.O. Box 90498
Washington, DC 20090-0498
(202) 526-6814
FAX: (202) 832-2180

**Florida**
Family Network on Disabilities
5510 Gray Street, Suite 220
Tampa, FL 33609
(813) 289-1122
FAX: (813) 286- 8614

**Georgia**
Parents Educating Parents (PEP)
1851 Ram Runway, Suite 104
College Park, GA 30337-2615
(404) 761-3150
FAX: (404) 767-2258

**Hawaii**
AWARE
200 N. Vineyard Blvd., Suite 310
Honolulu, HI 96817
(808) 536-9684 (Voice/TDD)
FAX: (808) 543-2222

**Idaho**
Idaho Parents Unlimited, Inc.
4696 Overland, No. 478
Boise, ID 83704
(208) 342-5884

**Illinois**
Family Resource Center on Disabilities
20 E. Jackson Blvd., Room 900
Chicago, IL 60604
(312) 939-3513

**Illinois**
Designs for Change
220 S. State St., Suite 1900
Chicago, IL 60604
(312) 922-0317
FAX: (312) 922-6993

**Indiana**
IN*SOURCE
833 Northside Blvd., Bldg. 1, Rear
South Bend, IN 46617
(219) 234-7101
FAX: (219) 287-9651

**Iowa**
Iowa Pilot Parents
33 North 12th St.
P.O. Box 1151
Fort Dodge, IA 50501
(515) 576-5870
FAX: (515) 576-8209

**Kansas**
Families Together, Inc.
1023 Southwest Gage Street
Topeka, KS 66604-1758
(913) 273-6343
FAX: (913) 273-6385

**Kentucky**
KY-SPIN
2210 Goldsmith Lane, Suite 118
Louisville, KY 40218
(502) 456-0923
(800) 525-7746

**Louisiana**
Project PROMPT
4323 Division Street, Suite 110
Metairie, LA 70002-3179
(504) 888-9111
FAX: (504) 888-0246

**Maine**
Special Needs Parents Info Network
P.O. Box 2067
Augusta, ME 04338-2067
(207) 582-2504

**Maryland**
Parents Place of Maryland, Inc.
7257 Parkway Drive, Suite 210
Hanover, MD 21076
(410) 712-0900 (Voice/TT)
FAX: (410) 712-0902

**Massachusetts**
Federation for Children with Special Needs
95 Berkeley St., Suite 104
Boston, MA 02116
(617) 482-2915 Voice/TT
FAX: (617) 695-2939

**Michigan**
CAUSE
313 S. Washington Square, Suite 040
Lansing, MI 48933
(517) 485-4084
FAX: (517) 485-4145

**Michigan**
Parents are Experts
23077 Greenfield Road, Suite 205
Southfield, MI 48075-3744
(313) 557-5070 Voice/TT
FAX: (313) 557-4456

**Minnesota**
PACER Center, Inc.
4826 Chicago Avenue S.
Minneapolis, MN 55417
(612) 827-2966 Voice/ TT
FAX: (612) 827-3065

**Mississippi**
ADOM
332 New Market Drive
Jackson, MS 39209
(601) 922-3210
FAX: (601) 922-6854

**Missouri**
Missouri Parents Act
1722W S. Glenstone, Suite 125
Springfield, MO 65804
(417) 882-7434 (TDD)
FAX: (417) 882-8413
**St. Louis Office**
625 North Euclid, Suite 405
St. Louis, MO 63108
(314) 361-1660 (Voice/TT)
FAX: (314) 361-4087
**Kansas City Office**
1115 East 65th Street
Kansas City, MO 64131
(816) 333-6833
FAX: (816) 333-3225

**Montana**
Parents Let's Unite for Kids
1500 North 30th St., Room 267
Billings, MT 59101-0298
(406) 657-2091
FAX: (406) 657-2061

**Nebraska**
NE Parents' Info & Training Center
3610 Dodge St.
Omaha, NE 68131
(402) 346-0525
FAX: (402) 346-5253

**Nevada**
Parent Connection
2880 E. Flamingo, Suite I
Las Vegas, NV 89121-2922
(702) 735-2922 Voice/TT

**New Hampshire**
Parent Information Center
P.O. Box 1422
Concord, NH 03302-1422
(603) 224-7005 Voice/TT
FAX: (603) 224-4365

**New Jersey**
Statewide Parent Advocacy Network
516 North Ave. East
East Westfield, NJ 07090
(908) 654-7726 Voice/TT

**New Mexico**
EPICS Project
P.O. Box 788
Bernalillo, NM 87004
(505) 867-3396
FAX: (505) 867-3398 (Call first)

**New York**
Parent Network Center
1443 Main Street
Buffalo, NY 14209
(716) 885-1004

**New York**
Advocates for Children of NY
24-16 Bridge Plaza S.
Long Island City, NY 11101
(718) 729-8866 TT
FAX: (718) 729-8931

**New York**
Resources for Children with Special Needs
200 Park Avenue South, Suite 816
New York, NY 10003
(212) 677-4650

**North Carolina**
ECAC, Inc.
P.O. Box 16
Davidson, NC 28036
(704) 892-1321
FAX: (704) 892-6149 (Call first)

**North Carolina**
Families First Coalition, Inc.
300 Enola Road
Morgantown, NC 28655
(704) 433-2782

**North Dakota**
Pathfinder Parent Center
Arrowhead Shopping Center
16th St. and 2nd Ave. SW
Minot, ND 58701
(701) 852-9426
FAX: (701) 838-9324

**Ohio**
Child Advocacy Center
1821 Summit Road, Suite 303
Cincinnati, OH 45237
(513) 821-2400 TT
FAX: (513) 821-2442

**Ohio**
OCEHC
1299 Campbell Road, Suite B
Marion, OH 43302
(614) 382-5452 Voice/TT
FAX: (614) 382-2399

**Oklahoma**
Parents Reaching Out in OK
1917 S. Harvard Avenue
Oklahoma City, OK 73128
(405) 681-9710
FAX: (405) 685-4006

**Oregon**
Oregon COPE Project
999 Locust St. NE, Box B
Salem, OR 97303
(503) 373-7477 Voice/TT

**Pennsylvania**
Mentor Parent Program
Route 257, Salina Road
P.O. Box 718
Seneca, PA 16346
(814) 676-8615

**Pennsylvania**
Parents Union for Public Schools
311 S. Juniper St., Suite 602
Philadelphia, PA 19107
(215) 546-1166

**Pennsylvania**
Parent Education Network
333 East Seventh Avenue
York, PA 17404
(717) 845-9722 Voice/TT
FAX: (717) 848-3654

**Puerto Rico**
Parents Training Parents by ANPI
P.O. Box 21301
Rio Piedras, PR 00928-1301
(809) 763-4665
FAX: (809) 765-0345

**Republic of Palau**
Palau Parent Network
P.O. Box 1583
Koror, Republic of Palau 76740
(608) 488-3513
01-1680 488-2830

**Rhode Island**
Rhode Island Parent Information Network
500 Prospect Street
Pawtucket, RI 02860
(401) 727-4145

**South Carolina**
PRO-PARENTS
2712 Middleburg Drive, Suite 102
Columbia, SC 29204
(803) 779-3859

**South Dakota**
South Dakota Parent Connection
P.O. Box 84813
Sioux Falls, SD 57118-4813
(605) 335-8844
FAX: (605) 335-8504

**Tennessee**
STEP
1805 Hayes St., Suite 100
Nashville, TN 37203
(615) 327-0294
FAX: (615) 327-0827

**Texas**
PATH Project
277 North 18th St., Suite 2
Beaumont, TX 77707
(409) 866-4726

**Texas**
Project PODER
Fiesta Education
1226 NW 18th Street
San Antonio, TX 78207
(512) 732-8247

**Texas**
Special Kids, Inc.
P.O. Box 61628
Houston, TX 77208-1628
(713) 643-9576
FAX: (713) 250-5550

**Utah**
Utah Parent Information Center
2290 East 4500 S., Suite 110
Salt Lake City, UT 84117
(801) 272-1051

**Vermont**
Vermont Parent Information Center
37 Champlain Mill
Winooski, VT 05404
(802) 655-4016 Voice/TT

**Virginia**
PEATC
228 S. Pitt St., Suite 300
Alexandria, VA 22314
(703) 836-2953
(703) 836-3026 TT
FAX: (703) 836-5869

**Washington**
Washington PAVE
6316 South 12th
Tacoma, WA 98465
(206) 565-2266 Voice/TT
FAX: (206) 566-8052

**Washington**
PAVE/STOMP
12208 Pacific Highway SW
Tacoma, WA 98499
(206) 588-1741
FAX: (206) 984-7520

**Washington**
A Touchstones Program
6721-51st Avenue South
Seattle, WA 98118
(206) 721-0867

**West Virginia**
West Virginia PTI
Colonial Village
104 East Main Street, Suite 3B
Clarksburg, WV 26301
(304) 624-1436

**Wisconsin**
Parent Education Project
2001 West Vliet Street
Milwaukee, WI 53205
(414) 937-8380
FAX: (414) 933-6077

**Wyoming**
Wyoming PIC
5 North Lobban
Buffalo, WY 82834
(307) 684-2277

The Parent Information Center is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that NIDRR is not responsible for enforcement of the ADA. The information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.